IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:09-cr-35

UNITED STATES OF AMERICA)	
VS.)	ORDER
ERIC CHRISTOPHER ORR)	

THIS MATTER is before the Court remand from the United States Court of Appeals for the Fourth Circuit for further proceedings. (Doc. No. 64: Opinion and Judgment).

IT IS, THEREFORE, ORDERED, that the government shall file a pleading within twenty-one days of the entry of this Order addressing the issues on remand, specifically whether the defendant was lawfully convicted of a violation of 18 U.S.C. § 922(g) in light of <u>United</u>

States v. Simmons, 649 F.3d 237 (4th Cir. 2011) (en banc). The defendant shall file a response within fourteen days of the government's pleading, and the government may file a reply within seven days of the defendant's response.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, and the Clerk of the United States Court of Appeals for the Fourth Circuit.

Signed: January 3, 2012

Robert J. Conrad, Jr.

Chief United States District Judge